

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SHERRI LYNN LEE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:14-CV-20058

COLOPLAST CORP.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is Defendant Coloplast Corp.'s ("Coloplast") Motion to Dismiss with Prejudice, filed November 19, 2018. [ECF No. 12]. In the Motion, defendant Coloplast moves to dismiss plaintiffs' claims against it with prejudice for failure to serve a plaintiff fact sheet. Plaintiffs have not responded.

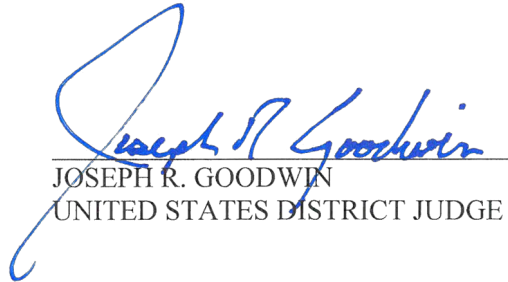
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the plaintiffs' claims against Coloplast should be dismissed without prejudice for failure to serve a completed plaintiff fact sheet in compliance with the court's previous pretrial order.

Therefore, the court **ORDERS** that the Motion to Dismiss [ECF No. 12] is **GRANTED in part to the extent Coloplast seeks dismissal** and **DENIED insofar as Coloplast seeks dismissal with prejudice**. The court **ORDERS** that Coloplast is dismissed without prejudice. No

additional defendants remain, and the Clerk is **DIRECTED** to dismiss and strike the case from the active docket.

The court further **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 18, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE